

REMARKS

Claims 9, 10 and 14-17 are pending. Claims 9 and 14 are amended. A marked-up version showing the changes made to the claims by the present amendment is attached hereto as "**Version with markings to show changes made.**"

Claims 9, 10 and 14-17 were rejected under 35 USC §103(a) as being unpatentable over JP '906. Favorable reconsideration of this rejection is earnestly solicited.

Claims 9 and 14 have been amended to specify using a sol solution into which a metal compound as the metal oxide film forming source is incorporated in an amount of from 0.1wt % to 20wt % in terms of the metal oxide. JP '906 fails to teach or suggest the presently claimed invention. The sol solution of JP '906 is prepared by mixing a silica system precursor and an organic system precursor and adding acid water to the mixture. The silica system precursor and the organic system precursor account for the major part of the sol solution. The viscosity of such a sol solution is high, thereby making it difficult to form a film.

In contrast thereto, the incorporation of the metal compound to the sol solution in the present invention does not have an increased viscosity which would make it difficult to form a film. See the paragraph bridging pages 15 and 16 of the present specification.

Accordingly, the presently claimed invention distinguishes over the cited art and defines patentable subject matter.

U.S. Patent Application Serial No. 09/977,363

Claims 9, 10 and 14-17 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 5 and 8 of U. S. Patent No. 6,251,196. A Terminal Disclaimer is submitted herewith.

For at least the foregoing reasons, it is believed that the application is in condition for allowance. Prompt and favorable reconsideration is earnestly solicited.

An Information Disclosure Statement is filed herewith submitting references which were cited in a Notice of Reasons for Rejection issued in the corresponding Japanese Patent Application No. 11-337841.

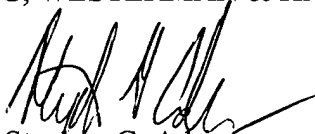
Should the Examiner deem that any further action by Applicants would be desirable to place the application in better condition for allowance, the Examiner is encouraged to telephone Applicants' undersigned attorney.

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In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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PATENT TRADEMARK OFFICE

Attachments: Version with markings to show changes made
Terminal Disclaimer
Petition for Extension of Time
Information Disclosure Statement

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IN THE CLAIMS:

Claims 9 and 14 have been amended as follows:

9. (Twice Amended) A process for producing a rare earth metal-based permanent magnet, comprising the step of forming a metal oxide film containing carbon on the surface of a magnet by a sol-gel coating process using a sol solution into which a metal compound as the metal oxide film forming source is incorporated in an amount of from 0.1wt % to 20wt % in terms of the metal oxide.

14. (Twice Amended) A process for producing a rare earth metal-based permanent magnet, comprising the step of forming a metal oxide film containing carbon on the surface of a magnet by a sol-gel coating process using a sol solution into which a metal compound as the metal oxide film forming source is incorporated in an amount of from 0.1wt % to 20wt % in terms of the metal oxide, thereby forming, between said metal oxide film and the entire surface of said magnet, an interfacial layer with R (rare earth element) atom chemically bonded with a film forming metal atom through oxygen atom.